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EXAMINER

LY, NGHI H

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/661,967

Applicant(s)

FERIA ET AL.

Examiner

Nghi H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/10/05 06/15/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 8-14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ibanez-Meier et al (US 6,151,308) in view of Dalal (US 6,819,943).

Regarding claim 1, Ibanez-Meier teaches a communications system comprising: stratospheric platform (fig. 1, communication platform 110) having a payload controller (fig.3, processor 310) and a phased array antenna having a plurality of elements for generating a first beam and a second beam (fig.1), a gateway station in communication with the stratospheric platform (fig.1, destination device 130-132, and column 4, line 64,

communication gateways), the gateway station receiving a first signal having the first beam having interference from the second beam therein and receiving a second signal having the second beam having interference from the first beam therein (column 16, lines 53-55).

Ibanez-Meier does not specifically disclose the gateway station comprising a first subtracting block for subtracting the second signal from said first signal to obtain the first beam, the gateway station comprising a second subtracting block for subtracting the first signal from said second signal to obtain the second beam.

Dalal teaches the gateway station comprising a first subtracting block for subtracting the second signal from said first signal to obtain the first beam (column 14, lines 20-25, see "canceller 800" and see fig.8, box 865a), the gateway station comprising a second subtracting block for subtracting the first signal from said second signal to obtain the second beam (column 14, lines 20-25, see "canceller 800" and see fig.8, box 865b).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the teaching of Dalal into the system of Ibanez-Meier in order to provide a technique for improving the frequency re-use of links in a wireless network (see Dalal, column 8, lines 18-21).

Regarding Claim 8, Ibanez-Meier further teaches the gateway station comprises a beam generator for generating beam signals (Ibanez-Meier, column 6, Lines 45-41, wherein device interfaces enable the generation of a beam which has a dynamically-shapeable geometry).

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Regarding Claim 9, Ibanez-Meier further teaches the gateway station further comprises a multiplexes/demultiplexer (see column 12, lines 10-21 and column 14, lines 25-28).

Regarding Claim 10, Ibanez-Meier further teaches the multiplexes/demultiplexer comprises a code division multiplexes/demultiplexer (see column 12, lines 10-21 and column 14, lines 25-28).

Regarding Claim 11, Ibanez-Meier further teaches the gateway station is coupled to a terrestrial network (Ibanez-Meier, column 8, lines 49-56).

Regarding Claim 12, Ibanez-Meier further teaches a communications system as recited in claim 11, wherein the terrestrial network comprises the Internet (Ibanez-Meier, column 14, line 50).

Regarding Claim 13, Ibanez-Meier further teaches the terrestrial network comprises the public service telephone network (Ibanez-Meier, column 8, lines 49-56, where terrestrial network usually includes a public service telephone network).

Regarding claim 14, see claim 1 for the teaching of Ibanez-Meier and Dalal.

Regarding claim 20, see Claim 1 for the teaching of Ibanez-Meier and Dalal.

4. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ibanez-Meier et al (US 6,151,308) in view of Dalal (US 6,819,943) and further in view of Rouffer et al (US 5,410,731).

Regarding Claim 5, the combination of Ibanez-Meier and Dalal teaches a demultiplexer (see Ibanez-Meier, column 12, lines 10-21). The combination of Ibanez-

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Meier and Dalal does not specifically disclose the payload controller comprises a demultiplexer for receiving control signals.

Rouffer teaches the payload controller comprises a demultiplexer for receiving control signals (fig.3, see the connection between demultiplexer 8 and central control 9, and see column 3, lines 65-68).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the teaching of Rouffer into the system of Ibanez-Meier and Dalal in order to provide a simpler, cheaper way of solving the problem that is based on using a system which can be modified as a function of market requirements (see Rouffer, column 2, lines 3-6).

Regarding Claim 6, the combination of Ibanez-Meier and Dalal teaches a demultiplexer (see Ibanez-Meier, column 12, lines 10-21). The combination of Ibanez-Meier and Dalal does not specifically disclose the demultiplexer generates a plurality of element control signals.

Rouffer teaches the demultiplexer generates a plurality of element control signals (fig.3, see the connection between demultiplexer 8 and central control 9, and see column 3, lines 65-68).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the teaching of Rouffer into the system of Ibanez-Meier and Dalal in order to provide a simpler, cheaper way of solving the problem that is based on using a system which can be modified as a function of market requirements (see Rouffer, column 2, lines 3-6).

Regarding Claim 7, Ibanez-Meier further teaches the element control signals are coupled to an RF feed, and the RF feed is coupled to the plurality of elements of the phased array antenna (Ibanez-Meier, column 6, lines 43-45).

5. Claims 2-4, 15-17 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ibanez-Meier et al (US 6,151,308) in view of Dalal (US 6,819,943) and further in view of Baier et al (US 6,519,477).

Regarding Claim 2, Ibanez-Meier as modified by Dalal teaches a communication system of claim 1. Ibanez-Meier as modified by Dalal does not specifically disclose the gateway station weights the second signal with a first weight prior to subtracting the second signal from the first signal.

Baier teaches the gateway station weights the second signal with a first weight prior to subtracting the second signal from the first signal (see fig.5, the weights W1, W2, W3 and W4, prior to box "interference Cancellation").

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the teaching of Baier into the system of Ibanez-Meier and Dalal in order to allow channel impulse response to be determined in an improved manner, such that the determination of the channel impulse responses are resistant to interference source (see Baier, column 1, line 66 to column 2, line 2).

Regarding Claim 3, Ibanez-Meier as modified by Dalal teaches a communication system of claim 1. Ibanez-Meier as modified by Dalal does not specifically disclose the

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gateway station weights the first signal with a second weight prior to subtracting the second signal from the first signal.

Baier teaches the gateway station weights the first signal with a second weight prior to subtracting the second signal from the first signal (see fig.5, the weights W1, W2, W3 and W4, prior to box "interference Cancellation").

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the teaching of Baier into the system of Ibanez-Meier and Dalal in order to allow channel impulse response to be determined in an improved manner, such that the determination of the channel impulse responses are resistant to interference source (see Baier, column 1, line 66 to column 2, line 2).

Regarding claim 4, Ibanez-Meier as modified by Dalal teaches a communication system of claim 1. Ibanez-Meier as modified by Dalal does not specifically disclose the first weight is a function of user position files.

Baier teaches the first weight is a function of user position files (see column 8, lines 57-67 wherein proper weights are obtained adaptively, where adaptive variation as a function of user position file is inherently implied).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the teaching of Baier into the system of Ibanez-Meier and Dalal in order to allow channel impulse response to be determined in an improved manner, such that the determination of the channel impulse responses are resistant to interference source (see Baier, column 1, line 66 to column 2, line 2).

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Regarding claim 15, see claims 2 and 3 for the teaching of Ibanez-Meier and Dalal.

Regarding claim 16, see claim 1 for the teaching of Ibanez- Meier and Dalal.

Regarding claim 17, Ibanez-Meier as modified by Dalal teaches a communication system of claim 1. Ibanez-Meier as modified by Dalal does not specifically disclose the first weight is a function of user position files.

Baire teaches the first weight is a function of user position files (see column 8, lines 57-67 wherein proper weights are obtained adaptively, where adaptive variation as a function of user position file is inherently implied).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the teaching of Baier into the system of Ibanez-Meier and Dalal in order to allow channel impulse response to be determined in an improved manner, such that the determination of the channel impulse responses are resistant to interference source (see Baire, column 1, line 66 to column 2, line 2).

Regarding Claim 21, see Claims 2 and 3 for the teaching of Ibanez-Meier and Dalal.

Regarding Claim 22, Ibanez-Meier further teach a method as recited in claim 21, wherein the at least one signal is associated with a mobile user (Ibanez-Meier, fig. 15).

Regarding Claim 23, Ibanez-Meier further teach a method as recited in claim 22, wherein the at least one other of the plurality of signals is associated with a mobile user (Ibanez-Meier, fig.15).

Regarding Claim 24, Ibanez-Meier as modified by Dalal teach a method as recited in claim 1. Ibanez-Meier as modified by Dalal teaches does not specifically disclose the first weight is a function of user position files.

Baire teaches the first weight is a function of user position files (see column 8, lines 57-67 wherein proper weights are obtained adaptively, where adaptive variation as a function of user position file is inherently implied).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the teaching of Baier into the system of Ibanez-Meier and Dalal in order to allow channel impulse response to be determined in an improved manner, such that the determination of the channel impulse responses are resistant to interference source (see Baire, column 1, line 66 to column 2, line 2).

6. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ibanez-Meier et al (US 6,151,308) in view of Baier et al (US 6,519,477) and further in view of Dalal (US 6,819,943).

Regarding claim 18, Ibanez-Meier teaches a method of controlling a communications system having a stratospheric platform (fig. 1, communication platform 110), said method comprising the steps of: receiving a first signal having a first beam having interference from a second beam herein at a gateway station (fig.1), receiving a second signal having the second beam (fig.1, destination device 130-132, and column 4, line 64, communication gateways) having interference from the first beam herein at a gateway station (column 16, lines 53-55),

Ibanez-Meier does not specifically disclose weighting said first signal with a first weight to provide a weighted first signal, weighting the second signal with a second weight to provide a weighted second signal.

Baire teaches weighting said first signal with a first weight to provide a weighted first signal, weighting the second signal with a second weight to provide a weighted second signal (see fig.5, weight W1, W2, W3 and W4, and see "interference Cancellation").

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the teaching of Baier into the system of Ibanez-Meier in order to allow channel impulse response to be determined in an improved manner, such that the determination of the channel impulse responses are resistant to interference source (see Baire, column 1, line 66 to column 2, line 2).

The combination of Ibanez-Meier and Baire does not specifically disclose subtracting the second signal from said first signal to obtain the first beam, and subtracting said second signal from the second signal to obtain the second beam.

Dalal teaches subtracting the second signal from said first signal (see fig.8, a-1) to obtain the first beam, and subtracting said second signal (see fig.8, a-2) from the second signal to obtain the second beam (column 14, lines 20-25, see "canceller 800" and see fig.8, box 865a and box 865b).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the teaching of Dalal into the system of Ibanez-

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Meier and Baire in order to provide a technique for improving the frequency re-use of links in a wireless network (see Dalal, column 8, lines 18-21).

Regarding claim 19, Ibanez-Meier as modified by Dalal teaches claim 18.

Ibanez-Meier as modified by Dalal teaches does not specifically disclose the first weight is a function of user position files.

Baire teaches the first weight is a function of user position files (see column 8, lines 57-67 wherein proper weights are obtained adaptively, where adaptive variation as a function of user position file is inherently implied).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the teaching of Baier into the system of Ibanez-Meier and Dalal in order to allow channel impulse response to be determined in an improved manner, such that the determination of the channel impulse responses are resistant to interference source (see Baire, column 1, line 66 to column 2, line 2).

Response to Amendment

7. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

On page 2 of applicant's remarks, applicant argues that "no teaching or suggestion is provided for subtracting signals as in the present invention.

In response, Dalal teaches applicant's claimed limitation (see Dalal, column 14, lines 20-25, see "canceller 800" and see fig.8, box 865b), and the combination of

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Ibanez-Meier and Dalal teaches applicant's invention. In addition, applicant's attention is directed to the rejection of claim 1 above.

On page 2 of applicant's remarks, applicant argues that Dalal does not teach a gateway that is communication with a stratospheric platform.

The examiner, however, disagrees. Dalal does indeed teach a gateway that is communication with a stratospheric platform (see Dalal, fig.3). In addition, Ibanez-Meier also teaches a gateway that is communication with a stratospheric platform (see fig.1). Therefore, the combination of Ibanez-Meier and Dalal does indeed teach applicant's invention.

On page 3 of applicant's remarks, applicant argues that Dalal does not teach "the gateway station receives a first signal having a first beam having interference from the second beam therein and receiving a second signal having the second beam having interference from the first beam therein wherein the gateway station has a first subtracting block and a second subtracting block for subtracting the second signal from the first signal and the first signal from the second signal, respectively".

Dalal does indeed teach applicant's claimed limitation (column 14, lines 20-25, see "canceller 800" and see fig.8, boxes 856a and 856b, link a-1 reads on applicant's first beam, and link a-2 reads on applicant's second beam, and the link that connected from link a-1 to 866b, and the link that connected from link a-2 to 866a are used for cancellation, respectively). In addition, applicant's attention is directed to the rejection of claim 1 above.

On page 4 of applicant's remarks, applicant argues that Ibanez-Meier and Dalal does not teach the element of claim 14.

In response, the combination of Ibanez-Meier and Dalal does indeed teach the element of claim 14. In addition, applicant's attention is directed to the teaching of Ibanez-Meier and Dalal in claim 14 above.

On pages 4 and 5 of applicant's remarks, applicant argues that Rouffer (or Baier) does not teach subtracting using receiving signal.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Dalal teaches subtracting using receiving signal, and the combination of Ibanez-Meier, Dalal and Rouffer (or Baier) does indeed teach applicant invention.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly


09/10/05


CHARLES APPIAH
PRIMARY EXAMINER